

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CASE NO.: 1:21-CV-00067

DMARCIAN, INC.

Plaintiff,

v.

DMARCIAN EUROPE BV

Defendant.

**PLAINTIFF'S MOTION FOR
ATTORNEYS' FEES AND COSTS**

Pursuant to the Court's August 11, 2011 Order (the "Order"), Plaintiff moves for Attorneys' Fees and Costs in connection with its successful motion for contempt. In support of this Motion, the Plaintiff shows the Court as follows:

1. The Order directed Defendant to pay Plaintiff's attorneys' fees and costs in litigating the contempt matter and instructed Plaintiff to file a brief detailing its reasonable costs, fees, and expenses incurred in this action. (Doc. 80, p. 27).

2. Plaintiff seeks recovery of fees and costs in the total amount of \$105,944.40, broken down as follows:

\$ 45,918.00	Sharpless Fees (139.6 hours) ¹
\$ 567.39	Sharpless Costs (Travel)
\$ 6,798.30	Expert witness fees
\$ 51,206.00	Blank Rome Fees (64.9 hours)
<u>\$ 1,455.71</u>	Blank Rome Costs (travel costs)
\$105,944.40	Total

3. As requested in the Order (at pp. 25-26), Plaintiff has filed a brief "providing a breakdown of the hours incurred in litigating this contempt proceeding and discussing the relevant factors for determining the reasonableness of a fee request in the Fourth Circuit. See *Grissom v. The Mills Corp.*, 549 F.3d 313, 321 (4th Cir. 2008)."

4. Plaintiff's motion is also supported by the Declarations of Pamela S. Duffy (Doc 85), David A. Dorey (Doc. 86), and Mark A. Nebrig (Doc. 87), all of which demonstrate that the fees and costs Plaintiff is seeking to recover in this matter are reasonable.

¹ This reflects the original time entries as adjusted to eliminate time unrelated to the contempt motion as indicated on Exhibit 1 to the Duffy Declaration.

WHEREFORE, the Plaintiff prays the Court to enter an order granting Plaintiff's Motion for Attorneys' Fees and Costs.

This the 3rd day of September, 2021.

/s/ Pamela S. Duffy
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing MOTION FOR ATTORNEYS' FEES was served upon counsel for all other parties to this action listed below pursuant to N.C. R. Civ. P.5(b) by efiling a copy of the same utilizing the Western District of North Carolina's efiling system:

Mr. Pressly M. Millen
Mr. Samuel B. Hartzell
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This the 3rd day of September, 2021.

/s/ Pamela S. Duffy
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